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United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Re: Michigan Attorney General's Attack on Free Press

To the Civil Rights Division:

I am a civil rights lawyer, primarily practicing in St. Louis, Missouri, but my clients are spread out nationally. I represent a number of media properties, including news websites. In the course of this representation, I regularly work with reporters all over the country.

Last week, a reporter for one of my clients urgently contacted me, seeking my advice. The reporter informed me that his colleague, Shane Trejo – a reporter with Big League Politics (www.bigleaguepolitics.com) – frantically called him seeking help. I have cc'd a copy of this letter to Mr. Trejo.

Trejo was terrified he would be arrested and prosecuted by Dana Nessel, the Attorney General for the State of Michigan. Trejo received a letter (back-dated to October 28, 2020, though Trejo received it on November 10, 2020) from Nessel's office, demanding that he remove a series of articles he wrote for Big League Politics, or else face criminal prosecution. I have enclosed a copy of the letter for your review. You'll see it was addressed to Trejo's superiors at Big League Politics.

The letter claimed Trejo violated Michigan law – but did not specify what criminal laws were violated. The letter characterized Trejo's reporting as "false and misleading election information." "These videos violate Michigan law by intentionally misleading and altering information pertaining to elections." The letter referenced a series of articles ("Detroit Leaks") detailing an audio recording of a poll worker training workshop, in which the trainers coached poll workers on how to evade the oversight of poll challengers, how to deceive voters, and destroy provisional ballots, among other things. Trejo's work, the letter alleged, was "taken out of context" and "deceptively edited."

As stunning as this letter is, I cannot help but marvel at its similarity with terminology used by social media censors. It could have been written by "fact checkers"

(the ministry of truth?) at Facebook or Twitter. I regularly deal with these malicious censors, who actively suppress speech, deliberately harm news brands they dislike, and wholesale transform their **immunity to censor with impunity** under Communications Decency Act Section 230 into a hideous “heckler’s veto” juggernaut. Such censorship is offensive and terrifying enough on those monopolistic platforms, *let alone coming from the State of Michigan’s top prosecutor*.

I’m writing you as a civil rights attorney, as a former journalist, and as a citizen. Nessel’s conduct is unquestionably a violation of the First Amendment rights of both Mr. Trejo and his employer. The letter was designed to thuggishly compel compliance and chill speech. Apparently, Nessel views any news report outside of the canon of American Pravda (read: the mainstream media echo chamber) **as a crime**. Big League Politics caved, by the way. They took the stories off their site out of fear of criminal prosecution.

This isn’t just about one reporter or one news outlet. Nessel’s letter is the single, most stunning, flagrant attack on the free press I’ve ever seen – or even heard of. The fact that Nessel would commit this offense to paper indicates she has absolutely no concern she will ever be held accountable.

The Attorney General is drunk with power. She views herself as untouchable and above the law. This is how nations devolve into banana republics. If **you** do nothing, you contribute to our Constitution’s – and our nation’s – undoing: you damn our children.

You claim to be the Department of Justice. **Go get it.**

Very Truly Yours,

/s/ John C. Burns

JOHN C. BURNS

Enclosure

cc: Shane Trejo